

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE BOARD OF TRUSTEES OF THE
OHIO CARPENTERS' PENSION FUND,
et al.,

Plaintiffs,

-vs-

ESKAY FLOOR COVERING, INC.,
Defendant.

CASE NO. 1:10 CV 0073

ORDER ADOPTING REPORT AND
RECOMMENDATION AND GRANTING
PLAINTIFFS' MOTION FOR
CONTEMPT

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This matter was referred to Magistrate Judge Gallas (Doc. 13) to convene a civil contempt hearing and prepare a report and recommendation ("R&R") consonant with the hearing's findings. The gravamen of the matter is defendant's failure to comply with this Court's 12 March 2010 default judgment order requiring defendant "to permit an audit of its books, records, and reports as necessary to determine whether Defendant has been complying with its obligations to make contributions and withholdings." (Doc. 10).


Subsequent to the 15 June 2010 civil contempt hearing, Magistrate Judge Gallas submitted an R&R with the following findings: (1) that Eskay Floor Covering, Inc. and its president Raymond Skutnik be found in civil contempt for failing to comply with this Court's judgment; (2) that defendant receive a \$100.00 per diem fine for each day of noncompliance with this Court's order to permit an audit by the plaintiffs; and (3) that

plaintiffs be awarded attorney's fees for the reasonable time expended in relation to the motion for contempt and subsequent proceedings.

No party has objected to the Magistrate Judge's R&R. Therefore, this Court will presume the parties are satisfied with the determination. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted. Eskay Floor Covering, Inc. and its president Raymond Skutnick are found in civil contempt for failing to comply with this Court's 12 March 2010 Order. The defendant has until 16 August 2010 to comply with this Court's order by permitting "an audit of its books, records, and reports as necessary." For every day after 16 August 2010 the defendant is not in compliance it will incur a fine of \$100.00. Finally, plaintiffs shall submit to the Court an accounting of their reasonable attorney's fees, in relation to the contempt proceedings, for which the defendant shall be responsible.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Date: 29 JUL 2010